

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO

ALL CLASS ACTIONS

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON BEHALF
OF CLASSES 1 AND 2 AGAINST DEFENDANT ASTRAZENECA
BASED ON ITS GUILTY PLEA RELATED TO ZOLADEx**

Plaintiffs move this Court pursuant to Federal Rule of Civil Procedure 56 to enter an order granting partial summary judgment on behalf of Classes 1 and 2 in favor of Plaintiffs and against AstraZeneca Pharmaceuticals, LP ("AstraZeneca") on claims arising from AstraZeneca's conduct with respect to Zoladex which resulted in a criminal guilty plea entered into by AstraZeneca on June 20, 2003. The grounds for this motion are specified in the supporting memorandum, filed herewith under seal, and are further supported by the Declaration of Kenneth A. Wexler and accompanying exhibits, and Plaintiffs' Local Rule 56.1 Statement of Material Facts as to Which No Genuine Dispute Exists, also filed under seal.

DATED: March 15, 2006

By /s/ Kenneth A. Wexler

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CERTIFICATE OF SERVICE BY LEXISNEXIS FILE & SERVE

Docket No. MDL 1456

I, Kenneth A. Wexler, hereby certify that I am one of plaintiffs' attorneys and that, on March 15, 2006, I caused copies of *Plaintiffs' Motion for Partial Summary Judgment On Behalf Of Classes 1 And 2 Against Defendant Astrazeneca Based On Its Guilty Plea Related To Zoladex* to be served on all counsel of record by causing same to be posted electronic via Lexis-Nexis File & Serve.

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